

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Fowad Butt

-against-

18-cv-00249-NGG-RLM

Chase Bank, N.A.

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NOTICE DESIGNATING CASE FOR COURT ANNEXED ARBITRATION
NOTICE OF ARBITRATION HEARING and RULES GOVERNING ARBITRATION
PROCESS

This case has been designated to participate in the Court Annexed Arbitration Program pursuant to Local Civil Rule 83.7(d) which requires the Clerk of Court to designate and process for compulsory arbitration "all civil cases (excluding social security cases, tax matters, prisoners' civil rights cases, and any action based on an alleged violation of a right secured by the Constitution of the United States or if jurisdiction is based in whole or in part on Title 28 U.S.C. sec. 1343) wherein money damages only are being sought in an amount not in excess of \$150,000.00 exclusive of interest and costs." Damages are presumed not to be in excess of the arbitration limit unless a certification is filed in accordance with Local Civil Rule 83.7(d) (3).

After an Answer is filed, the arbitration hearing will be set. Counsel will have 120 days to complete discovery unless the District Court Judge or Magistrate Judge orders a shorter or longer period for discovery. It is not anticipated that matters selected for Arbitration will require discovery directions. If a dispute arises which requires a ruling on a question related to discovery, you must move promptly before the assigned judge. Attorneys cannot adjourn or change the arbitration hearing date without approval from the Court.

Requests to extend discovery: must be filed in accordance to the Individual Motion Practices and Rules of the Judge for the case.

Request to Adjourn an Arbitration Hearing : Must be filed as a motion via ECF

Request to have the case Mediated in lieu of Arbitration: Must be approved by the Court prior to selection of an Arbitrator to hear the case.

Telephone calls to request adjournment of an Arbitration hearing will not be considered.

LOCAL RULES:

You may refer to the Local Civil Rules for Arbitration of the U.S. District Court, Eastern District of New York on our web site: <https://www.nyed.uscourts.gov/court-info/local-rules-and-orders>.

PRO SE LITIGANTS:

Pro Se litigants are encouraged to contact the Federal Pro Se Legal Assistance Project, which is a free service offered by the City Bar Justice Center of the New York City Bar Association,

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and to schedule an appointment at the Brooklyn Federal Courthouse, by calling 212-382-4729.

Pro Se litigants may register to receive electronic notification of court issued filings by following the instructions available here:

<https://img.nyed.uscourts.gov/files/forms/ProSeConsElecSvc-Instructions.pdf>

Effective November of 2010, after an Arbitration Hearing has been scheduled, counsel will be responsible for selecting an Arbitrator to hear the case. The Arbitrator shall be selected from the Court's Panel of Arbitrators. Instructions for selecting an Arbitrator will be provided when a hearing date has been set.

Dated: 3-28-2018

By: **Rita Credle**
ADR Coordinator
U.S. District Court, EDNY
225 Cadman Plaza East – Room 215S
Brooklyn, NY 11201
Tele: 718-613-2326
Email: rita_credle@nyed.uscourts.gov

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NOTICE SCHEDULING ARBITRATION HEARING

In the event the case does not settle, an Arbitration hearing is scheduled for

August 16, 2018 at 10:00 a.m.

On or before **July 16, 2018,** Counsel will select the Arbitrator to hear the case from the Court's Panel of Arbitrators.

The Court's Panel of Arbitrators can be found at:

<https://www.nyed.uscourts.gov/arbitration>

Once the Arbitrator is selected, **do not enter the Stipulation onto the docket.** Send the fully executed Stipulation via email to: Rita Credle, Arbitration Coordinator @ rita_credle@nyed.uscourts.gov.

PROCEDURE FOR ARBITRATOR SELECTION

1. Select one Arbitrator from the Court's Panel of Arbitrators at:

www.nyed.uscourts.gov/alternative-dispute-resolution

Please keep in mind that the case is designated for Arbitration. The Arbitrator selected may not act as Mediator for this case unless Mediation is an option approved by the Court, prior to selection of an Arbitrator and the Court has "*Ordered*" the matter Mediated in lieu of Arbitration.

2. Confirm with the Arbitrator and all parties to the case that there are no conflicts of interest which will compromise the Arbitrator's impartiality or the appearance of impartiality in accordance with Section 455, Title 28 U.S. Code. The Arbitrator must promptly disclose in writing to all counsel and the ADR Coordinator any concern the Arbitrator may have that a conflict of interest might exist.

3. Confirm the arbitrator's availability on the date set forth. For calendaring purposes, please **do not** change the Arbitration Hearing date without consulting with the ADR Coordinator.

4. Send the attached **Stipulation for Selection of Arbitrator** to: ADR Coordinator, Rita Credle: rita_credle@nyed.uscourts.gov.

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The Stipulation should confirm the name of the Arbitrator, the date of the Arbitration hearing and the place of the hearing. An Order for Appointment of the Arbitrator will be signed and entered after the Selection is made.

If the hearing is scheduled to be held at the U.S. District Court, EDNY, 225 Cadman Plaza East, Brooklyn, NY, counsel must advise the *Arbitration Clerk, Rita Credle*, of the need for a conference room at the Courthouse at least 14 days prior to the hearing. On the day of the hearing *report to the Clerk's Office, Room 118 South*.

DISCOVERY

The Standard Local Arbitration Rules specify that the parties have 120 days to complete discovery. **The Arbitrator cannot extend or change the discovery deadlines.**

The rules governing discovery are subject to change as other deadlines may be specified by the District Court Judge or Magistrate Judge. The District Court Judge may refer the matter to a Magistrate Judge for the purposes of discovery. Rules governing Arbitration can be found at

<https://www.nyed.uscourts.gov/court-info/local-rules-and-orders>.

Adjournment

Attorneys are not authorized to change the hearing date. All requests to adjourn must be submitted at least 14 days prior to the scheduled hearing date with a copy of the request marked "Courtesy Copy" sent to the ADR Coordinator at rita_credle@nyed.uscourts.gov.

The request to adjourn the Arbitration Hearing must be filed via ECF in accordance to the motion practice of the Judge the case is assigned to.

Telephone calls to adjourn a hearing will not be accepted. **The request should specify the new hearing date and the availability of the Arbitrator (if one has been selected) to hear the case on the date specified.**

The Arbitrator may grant only **one** adjournment of the Arbitration hearing. The adjourned hearing must be rescheduled to be held within a 30 day period. Subsequent request to adjourn or requests to adjourn beyond any 30 day period must be approved by the Court.

The Arbitrator may not adjourn an arbitration hearing where the date has been set by the Court (District Court Judge or Magistrate Judge).

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Rules of Evidence

The Federal Rules of Evidence shall be used as a guidelines to the admissibility of evidence. Copies of photographs of all exhibits, except those intended solely for impeachment, must be marked for identification and delivered to adverse parties at least ten days prior to the hearing.

Transcript of Hearing

A party may have a recording and transcript made of the arbitration hearing. The party requesting a recording and transcript made of the hearing shall make all necessary arrangements and bear all expenses thereof.

Correspondence which specifically seek cancellation or rescheduling of the Arbitration hearing date should be marked "Courtesy Copy" and sent via email to the ADR Coordinator at: rita_credle@nyed.uscourts.gov.

**By: Rita Credle, ADR Coordinator
U.S. District Court, EDNY
225 Cadman Plaza East – Room 118S
Brooklyn, NY 11201
Tele: 718-613-2326
rita_credle@nyed.uscourts.gov**

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STIPULATION FOR SELECTION OF ARBITRATOR

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties:

1. The following Arbitrator has been selected from the Court's Panel of Arbitrators

Name of Arbitrator:

Firm

Address

Telephone:

Fax:

Email:

2. The above named Arbitrator's appointment is in compliance with the standards set forth in Section 455, Title 28 U.S. Code.

3. The hearing will be held on _____

4. The location of the Arbitration Hearing will be:

Dated: _____

ATTORNEY FOR THE PLAINTIFF

ATTORNEY FOR THE DEFENDANT